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**Permanent Forum on Indigenous Issues, item 3**

**H.E. Ms. Tine Mørch Smith**  
**Ambassador**  
**Deputy Permanent Representative**

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Mr/Madam Chair,

Participation in decision-making processes is of fundamental importance. To be consulted is a precondition for realizing the rights of a vast number of indigenous peoples. The objective of consultations should be to obtain the consent of the indigenous people concerned. There is a need to frame national consultation procedures so that consensus can be built.

In 2005, the Norwegian Government and the Sami Parliament, the Sámediggi, agreed on Procedures for Consultations between the State Authorities and Sámediggi. The agreement was recently referred to as an example of good practice by the UN Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, in his report from the visit to the Sámi areas in Norway, Sweden and Finland last year.

At the moment, a proposal to adopt specific rules governing the consultation process in national legislation is under consideration.

Each year the Sámediggi is consulted on a significant number of cases, resulting in agreement in all but a few. The most recent example where agreement was reached was a case regarding coastal and fjord fishing. Last week, the Ministry of Fisheries and Coastal Affairs and the Sámediggi agreed on measures to strengthen the local fisheries and management in the northernmost areas of Norway. This agreement includes the establishment of a right to fish – on certain terms – in the sea outside the Finnmark County and in Sámi areas in the counties of Troms and Nordland. The parties agreed that they have a different understanding of whether this proposed right should be based on historical usage and international law concerning indigenous peoples. The parties have, however, chosen to disregard the disagreement on principles, and concentrate their efforts on

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reaching agreement that can provide for, and result in, increased fishing possibilities for local people in these areas.

The proposals will be considered by the Sámediggi during its plenary session in June this year. After that, the Ministry will present the proposals to the Norwegian Parliament.

Norway is a strong supporter of the work in the UN on the issues of human rights and transnational corporations and other business enterprises. We welcome the study of the Permanent Forum members which examines existing mechanisms and policies related to indigenous peoples and corporations (E/C.19/2011/12). We will here like to draw particular attention to the work of the Special Representative of the Secretary-General on Business and Human Rights, Professor John Ruggie. The aim of his work has been to provide better protection against corporate-related human rights abuses. By introducing the UN Framework for Business and Human Rights Protect, Respect and Remedy, Professor Ruggie has contributed to defining with greater clarity the roles and responsibilities that states and companies have in protecting and respecting human rights.

In his last report to the Human Rights Council (A/HRC/17/31), Professor Ruggie presents the guiding principles for the implementation of this framework. As a main sponsor of the mandate on business and human rights, Norway supports the guiding principles to be endorsed by the Human Rights Council in its next session in June. This is of utmost importance if we are to ensure that the role of the UN in this area remains authoritative.

We appreciate the cooperation between Professor Ruggie and Professor Anaya. Professor Anaya devoted much of his report to the Human Rights Council last year (A/HRC/15/37) to corporate responsibility with respect to indigenous peoples' rights. He put forward several relevant recommendations to both corporations and states. States are obliged to protect against human rights abuses committed by third parties, and bear the main responsibility for conducting consultations with indigenous peoples.

However, third parties have a responsibility to respect the rights of indigenous peoples. Corporations must ensure that they do not contribute to violations of these rights. In this regard, Norway finds the recommendations in the report on the exercise of due diligence by corporations particularly useful. Exercising due diligence is not only essential to corporations' responsibility to respect indigenous rights, but it is also in the corporations' self-interest, as a means of preventing conflicts and avoiding reputational risk.

Norway welcomes the recent initiative taken by the Professor Anaya to collect experiences regarding the effects of natural resource extraction and development projects on the rights of indigenous peoples.

In Norway, the Government last month presented a white paper on Norwegian State ownership in a global economy. The Norwegian State expects all companies, in which it has an ownership interest, to respect human rights, including the rights of indigenous peoples, in all their activities.

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This has to be in accordance with international conventions. The Government also expects companies to take steps to ensure that their suppliers and partners are acting in line with international norms